

## **I.R.C.P. 9.a. Pleading Special Matters - Capacity.**

Idaho Rules of Civil Procedure Rule 9(a). Pleading Special Matters - Capacity.

It is not necessary to aver the capacity of a party to sue or be sued or the authority of a party to sue or be sued in a representative capacity or the legal existence of an organized association of persons that is made a party, except that when persons are made parties by the designation of unknown owners or unknown heirs or devisees of any deceased person, the pleader shall briefly allege such matters as are within the pleader's knowledge to identify such unknown parties and their possible connection in the claim set forth. When a party desires to raise an issue as to the legal existence of any party or the capacity of any party to sue or be sued or the authority of a party to sue or be sued in a representative capacity, the party shall do so by specific negative averment, which shall include such supporting particulars as are peculiarly within the pleader's knowledge.

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